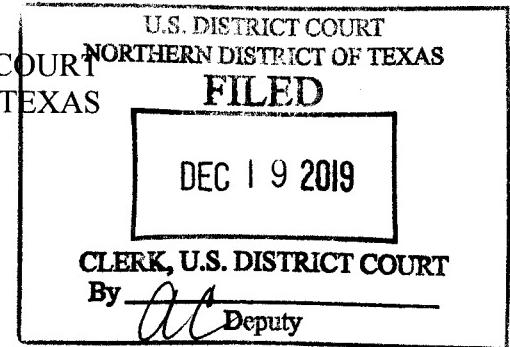


IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION



GUIDEONE MUTUAL INSURANCE COMPANY, §  
§  
Plaintiff and Counter-Defendant, §  
§  
v. §  
§  
FIRST UNITED METHODIST CHURCH OF HEREFORD, §  
§  
Defendant and Counter-Plaintiff. §

2:18-CV-140-Z-BR

**ORDER ADOPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION**

On May 9, 2019, Plaintiff filed an amended complaint against Defendant (ECF 31). On May 30, Defendant filed a motion to dismiss Plaintiff's complaint (ECF 33). On November 1, the United States Magistrate Judge entered findings and conclusions on Defendant's motion to dismiss (ECF 47). The Magistrate Judge RECOMMENDS that Defendant's motion be DENIED. On November 15, Defendant filed objections to the findings, conclusions, and recommendation (ECF 48).

After making an independent review of the pleadings, files, and records in this case, the findings, conclusions, and recommendation of the Magistrate Judge, and Defendant's objections, the Court concludes that the findings and conclusions are correct. Under the *Rooker-Feldman* doctrine, federal district courts lack subject-matter jurisdiction over lawsuits that seek to "overturn" a final judgment from a state court. *See Exxon Mobil Corp. v. Saudi Basic Indus. Corp.*, 544 U.S. 280, 291 (2005); *Burciaga v. Deutsche Bank Nat'l Tr. Co.*, 871 F.3d 380, 382 (5th Cir. 2017). "To be final a judgment must determine the rights of the parties and dispose of all the issues involved so that no future action by the court will be necessary in order to settle and determine the

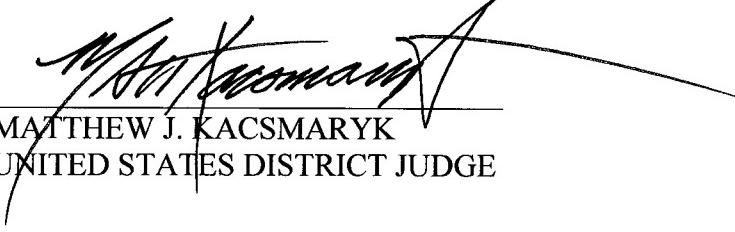
entire controversy.” *Id.* at 385 (quoting *Wagner v. Warnasch*, 295 S.W.2d 890, 892 (Tex. 1956)). An order in a state court appointing an umpire is not necessarily a final judgment. *See Nova Casualty Co., Ltd., v. Cattle Town Feeders, Ltd.*, No. 2:17-CV-122-DBR, 2019 WL 2539207, at \*3 (N.D. Tex. Mar. 29, 2019), *adopted by* No. 2:17-CV-122-ZBR, 2019 WL 5256864 (N.D. Tex. Oct. 15, 2019) (looking to the text of a state court order appointing an umpire and finding that it was “unclear whether the state court order disposed of all the issues involved because the order’s language [did] not purport to do so”).

Here, the state court order provided to the Court does not purport to dispose of all the issues involved in the action under which it was filed. (ECF 33-1 at 2). Consequently, this Court cannot conclude from the evidence before it that the order was a final judgment. The *Rooker-Feldman* doctrine therefore cannot be applied to support Defendant’s motion.

Accordingly, it is ORDERED that the findings, conclusions, and recommendation of the Magistrate Judge are ADOPTED and that Defendant’s motion to dismiss (ECF 33) is DENIED.

**SO ORDERED.**

December 19, 2019.

  
MATTHEW J. KACSMARYK  
UNITED STATES DISTRICT JUDGE